

CONFIDENTIAL

**OFFICE FOR THE PREVENTION OF HARASSMENT AND DISCRIMINATION
FORMAL INVESTIGATION REPORT**

Complainant(s): [REDACTED]
Respondent: Dr. Blake Wentworth
Date of Incident(s): [REDACTED] 2014- [REDACTED] 2015
Reported to OPHD: February 7, 2015
Investigator: Andrea LaCampagne, Complaint Resolution Officer, OPHD
Date of Report: October 2, 2015
Finding: Violation of the sexual harassment provision of the UC Policy on Sexual Harassment and Sexual Violence (2/25/14 version)

I. Background and Allegations

The Complainants are [REDACTED]. These Complainants brought forth different issues under the UC Policy on Sexual Harassment and Sexual Violence ("the Policy") against the Respondent. The [REDACTED] identified as Complainants 1 and 2 throughout this report.

Complainant	Identity	Status
Complainant 1	[REDACTED]	[REDACTED]
Complainant 2	[REDACTED]	[REDACTED]

The Respondent is Dr. Blake Wentworth, a faculty member of the Department of South South East Asian Studies ("DSSEAS.") Over [REDACTED] 2014 and [REDACTED] 2015, [REDACTED] reported to [REDACTED] that the Respondent's sexual comments/innuendo, and/or physical contact was unwelcome and made [REDACTED] uncomfortable. [REDACTED] referred Complainant 1's issue to OPHD on February 7, 2015. [REDACTED] After Complainant 1's complaint was received by OPHD, OPHD then presented a sexual harassment prevention training [REDACTED] on April [REDACTED] 2015. On April [REDACTED] 2015, a follow-up session was held [REDACTED] who had questions for OPHD. After the trainings, other [REDACTED] came forward to OPHD to share concerns about the Respondent's behavior, including Complainant 2.

Of the total [REDACTED] who came forward after the OPHD trainings, only those [REDACTED] who had concerns that could potentially rise to the level of a violation of the UC Policy on

Sexual Harassment and Sexual Violence will be analyzed in this report. This report will focus on the potential sexual harassment issues of the two Complainants as these are under OPHD's jurisdiction and subject matter expertise. [REDACTED]

II. Interim Remedies

[REDACTED]

[REDACTED]

[REDACTED]

D. Complainant 2 requested that the Respondent not enter into [REDACTED] unless he had official business there. The Respondent agreed not to enter [REDACTED] throughout the investigation period.

III. Jurisdiction

The Office for the Prevention of Harassment and Discrimination (OPHD) has campus-wide responsibility for stopping, preventing and remedying sexual harassment and sexual violence. The OPHD responds to and investigates potential violations of the UC Policy on Sexual Harassment and Sexual Violence, including, reports of sexual harassment, sexual violence, domestic violence, dating violence, stalking, and sexual assault brought forward by students, staff, and faculty.

IV. Applicable Policy

The conduct complained of occurred in [REDACTED] 2014 and [REDACTED] 2015, therefore, the applicable policy for this investigation is the University of California Policy on Sexual Harassment and Sexual Violence, effective February 25, 2014 (hereinafter, “the Policy.”)¹

The Policy states: “Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person’s employment or education or interferes with a person’s work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.”

“Sexual Harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, student employees, students... Sexual harassment may occur in hierarchical relationships between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and the totality of the circumstances, including the context in which the conduct occurred.”

V. Summary of Findings

Based upon a preponderance of the evidence, the Respondent violated the sexual harassment provision of the UC Policy on Sexual Harassment and Sexual Violence due to his behavior with Complainant 2. A detailed discussion of this finding is included in the Fact Finding and Analysis section of this report.

¹ The new Interim Policy on Sexual Harassment and Sexual Violence is in effect as of June 17, 2015 through December 31, 2015.

VI. Investigation of Sexual Harassment Complaints

A. Complainant 1 Issues: Summary and Response

1. Complainant 1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Complainant 2 Issues: Summary and Response

1. Complainant 2

Complainant 2 is [REDACTED] Complainant 2 reported that during [REDACTED] 2014, the Respondent talked to her about his personal struggles with [REDACTED] Complainant noted she talked about her personal relationships with the Respondent, as well. [REDACTED] Complainant 2 noted that the Respondent's office in [REDACTED] Complainant 2 reported that the Respondent is a frequent visitor at [REDACTED] for social purposes, even when [REDACTED] are not present. Complainant 2 noted that [REDACTED] complained to her about the Respondent's non-business presence in [REDACTED] because he makes inappropriate statements that they are uncomfortable with and that are sometimes said when [REDACTED] are present (such as, the sexual practice of fisting, and taking drugs at the Burning Man event.)

On February 17, 2015, Complainant 2 was in [REDACTED] [REDACTED] The Respondent brought his dog to [REDACTED] and asked Complainant 2 by name, "Why don't you take a walk with me?" Complainant 2 was uncomfortable at being singled out by the request as there were [REDACTED] present [REDACTED] at that time. She went downstairs with the Respondent in front of [REDACTED] Outside of [REDACTED] the Respondent took the [REDACTED] hand in his own and started to talk about his life. The Respondent then walked away a few feet, and told her "I could lose my job over this... I'd talk to you more about this but I'm so attracted to you." [REDACTED] [REDACTED]

Complainant 2 immediately told the Respondent that they needed to talk about what he just said. She reports the Respondent stated, "We should go out to dinner." She reiterated "Let's have a conversation about this." Complainant 2 felt that he was trying to make a dinner date rather than have a discussion about what he just said to her. She reported that the Respondent then told her that she had to initiate the conversation via email to him. They then walked back to [REDACTED] This was very awkward for Complainant 2 who then "ducked into [REDACTED] however, as she was leaving [REDACTED] the Respondent came up behind her and placed his hand to her head and cupped her ear. [REDACTED] [REDACTED]

A few days later, the Respondent came into [REDACTED] and in front of two [REDACTED] [REDACTED] asked Complainant 2, "Come into my office?" Complainant 2 was [REDACTED] and did not want to be alone with the Respondent in his office. Complainant 2 did not go to his office. Instead, Complainant 2 sent the Respondent an email as he requested and asked to meet for coffee to discuss the incident. The Respondent noted that he wanted "to meet at a coffee shop in Rockridge [REDACTED]" They met at a coffee shop in Rockridge. Complainant 2 reported that she clarified with the Respondent what her boundaries were, i.e., she was not interested in a romantic or sexual relationship with him. He asked her questions about sexual boundaries, and told her that "it was different at Yale...I wouldn't have sex with [REDACTED] just

hold their hand and cup their ear.” Complainant 2 interpreted the Respondent’s comment about Yale to mean that [REDACTED] were more commonplace at Yale than at Berkeley. They stayed at the coffee shop and talked about “life questions.” She stated that he hinted gently that he could be “helpful with [REDACTED].”

Complainant 2 reported that at that time she was [REDACTED] after this interaction with the Respondent. Complainant 2 is [REDACTED] around [the Respondent] and avoids him,” which is difficult to do because he comes into [REDACTED] often [REDACTED]

[REDACTED] Complainant 2 came forward after [REDACTED] in 2015³ to [REDACTED]

Complainant 2 met with [REDACTED] after [REDACTED] 2015. Complainant 2 told [REDACTED] about her interaction with the Respondent on February 17, 2015. [REDACTED] asked [REDACTED] not to report the issue to OPHD or anyone else because she was too embarrassed about the incident. [REDACTED] reached out to OPHD after the April 15, 2015, OPHD Sexual Harassment Prevention training was completed. [REDACTED] then confirmed that Complainant 2 had discussed the February 17th interaction with him after [REDACTED] 2015.

After Complainant 1 and Complainant 2 came forward with their concerns, on April 7, 2015, [REDACTED] met with the Respondent. On April 14, 2015, [REDACTED] wrote a “written summary of the points we covered [at the meeting.]” In the letter, [REDACTED] wrote, “Concerns about your behavior have arisen in two broad areas: concerns about conduct that is subject to review under the Faculty Code of Conduct, and concerns about aspects of academic performance that are subject to academic review.” Referenced in the letter is the Faculty Code of Conduct section 015 regarding harassment and discrimination, and OPHD. [REDACTED] wrote that he has had complaints from women about his conduct. [REDACTED] wrote that he already spoke with the Respondent in [REDACTED] 2014 about “the importance of observing appropriate boundaries in your interactions [REDACTED] [REDACTED] noted that he “observed you [REDACTED] touching [REDACTED] on several occasions.” [REDACTED] noted that “In our most recent conversation, I have again cautioned you against touching [REDACTED] positioning yourself in close proximity [REDACTED] and closing your office door [REDACTED] [REDACTED] I have also asked you not to discuss your intimate, [REDACTED] or sexual life with [REDACTED] or make comments on [REDACTED] personal lives or attributes... [REDACTED] [REDACTED] and must comport yourself accordingly.”

³ [REDACTED]

2. Respondent's Statement and Response to Complainant 2

I interviewed the Respondent on June 6, 2015. The Respondent reported that on November 29, 2014, he had a conversation with [REDACTED] told him that there were multiple complaints against him, and [REDACTED] complained of harassment. [REDACTED] talked to the Respondent about keeping stronger personal boundaries [REDACTED]

The Respondent stated that he asked Complainant 2 in [REDACTED], "Can I speak to you outside?" They walked outside. He did not touch her hand, and stated, "at most I patted her shoulder." They had an abstract conversation about whether marriage as a social construct was workable. Then Complainant 2 started to talk about "intimate details of her personal life." The Respondent told Complainant 2, "I can't talk to you about this because you're an attractive woman."

The Respondent stated that he and Complainant 2 often discussed personal matters with each other. He stated she wanted to meet with him to talk, and he told her, "If you want to meet with me [REDACTED] you would have to initiate." He said he told her she'd have to initiate the meeting because of his previous talk with [REDACTED] who had told him about having stronger personal boundaries [REDACTED]

The Respondent denied there was any quid pro quo conversation. He stated that he thought [REDACTED] "doesn't do much [REDACTED] and he simply told her, "If you need help, I can help."

The Respondent expressed that he has had a tumultuous year. [REDACTED] [REDACTED] He stated that since [REDACTED] spoke with him in 2014 and in April of 2015, he goes to his office, deals with only his [REDACTED] and leaves. He is staying out of [REDACTED] and will now only take [REDACTED]

VII. **Witness Information**

The Respondent provided me with the names of [REDACTED] (three were women) that could speak to the [REDACTED] relationship he had with them. None of the witnesses were direct witnesses to the Complainants' concerns, nor were they indirect witnesses, i.e., people he discussed the allegations with close in time, etc. I declined to interview them because they were not relevant to the investigation. Just because other people may state that the Respondent never engaged in any behavior that could be construed as inappropriate, unprofessional or of a sexual nature, does not tend to show whether or not the particular allegations with the two Complainants are true or not.

Complainants expressed that other [REDACTED] would likely be willing to talk to me. However, rather than breach the privacy of the parties, I spoke only to [REDACTED] who came

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

VIX. Documentary Evidence Reviewed

- A. Positive Character and Academic Reference Letters/Notes for the Respondent

1. Positive character reference letter from Professor [REDACTED]
[REDACTED] June 2, 2015;
2. Positive character and academic letter from Professor [REDACTED]
[REDACTED] June 2, 2015;
3. Positive teaching evaluation to [REDACTED] from Professor [REDACTED]
[REDACTED] December 10, 2014;
4. Thank you card appreciating Respondent's "consistent help" and "passion for the subject" from [REDACTED] December 9, 2014;
5. Thank you card from [REDACTED] for "inspiration," (no date;)
6. Thank you card from [REDACTED] (no date;) and
7. Invitation to join "Order of the Golden Bear" from [REDACTED] 2014-2015 (no date.)

B. Miscellaneous Submissions from the Respondent

1. Information from "Ratemyprofessors.com" where Respondent received an A+ grade from participating students (June 8, 2015);
2. Email from Respondent to student explaining history of "house music," October 16, 2014, [REDACTED]
[REDACTED]
3. Respondent's syllabus for SSEAS 2015, Spring 2015
"PrePostEro(u)structuralism" class that was cancelled. The syllabus reflects that there will be "close analyses of violence, defense, resistance, filth, decay, sexual obsession, excess, and manifestations of numinous Sacred can kindle bright flames" [REDACTED]
[REDACTED]
4. [REDACTED]
[REDACTED]

X. Factual Findings and Analysis

A. Standard of Evidence: Preponderance of the Evidence

Findings in this investigation report are based on a "preponderance of the evidence" standard. In other words, after reviewing all the evidence, including the relative credibility of the parties and their statements during interviews, whether it is more likely (or probable) than not

that the conduct occurred. If the conduct did occur as alleged, then an analysis is completed to determine whether the conduct violated University policy. Please note: the report's findings do not reach conclusions whether conduct violated state or federal laws, but instead address whether the University's policies were violated.

B. Fact Finding

[REDACTED]

Analysis

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Conclusion

[REDACTED]

2. The Respondent made an unwelcome, sexual advance and/or made a verbal comment of a sexual nature towards Complainant 2, [REDACTED]

[REDACTED]

Analysis

There is some discrepancy between Complainant 2 and the Respondent's reporting of the events of February 17, 2015. Both agree that the Respondent asked Complainant 2 to leave [REDACTED] and go outside of [REDACTED] on that day. Complainant 2 reported that the Respondent held her hand outside. The Respondent reported that he did not hold her hand, but at most patted the Complainant's shoulder. The Complainant reported that the Respondent told her outside of [REDACTED] "I could lose my job over this... I'd talk to you more about this but I'm so attracted to you." The Respondent reported that he told Complainant 2, "I can't talk to you about this because you're an attractive woman." After this interaction when they returned upstairs to [REDACTED] according to Complainant 2, the Respondent came up behind her and placed his hand to her head and cupped her ear.

Complainant 2's version of the incident is more credible than the Respondent's version. First, there is a witness who generally corroborates Complainant 2's version of the events. [REDACTED] The witness reported that the Respondent held Complainant 2's hand outside of [REDACTED] expressed a romantic interest in her, and expressed an interest in being an academic reference for her. Second, the Respondent stated that he had spoken with Complainant 2 on numerous occasions about very personal and intimate subjects. If the Respondent simply gave Complainant 2 a compliment that she was "an attractive woman," then I do not believe that Complainant 2 would be [REDACTED] Complainant 2 differentiated this conversation from all other conversations she had with the Respondent. She also would not have been "embarrassed" and would not have reported the Respondent's comments to [REDACTED] [REDACTED] [REDACTED] Third, if the Respondent's comments were not of a sexual nature, then the Respondent would not have prefaced the comment by stating, "I

could lose my job over this..." Fourth, the Respondent's reasoning for telling Complainant 2 that she had to initiate contact with him to discuss his comments, does not make sense if the comment were truly innocuous and not sexual in nature. Complainant 2 insisted that they had to talk about the comments he just made. The Respondent recalled that [REDACTED] admonished him to keep better boundaries [REDACTED] The Respondent told Complainant 2 that she had to initiate contact with him via email to discuss the matter. This twisted procedure requiring Complainant 2 to initiate an email invitation would be unnecessary if there was no sexual innuendo to the Respondent's comment, or if he felt he did not cross a boundary with Complainant 2. It is more likely that the Respondent was trying to create a documentation trail to reflect that he was simply responding to a [REDACTED] invitation for coffee, if the [REDACTED] ever brought a complaint forward. Finally, Complainant 2 told the Respondent over coffee that she was not interested in a sexual or romantic relationship with him. The Respondent did not correct her that she misinterpreted his words or intentions at this time.

In summary, a more credible interpretation of the incident between the Respondent and Complainant 2 is that the Respondent made an unwelcome, sexual advance to Complainant 2 by stating, "I could lose my job over this... I'd talk to you more... but I'm so attracted to you." He invited Complainant 2 out [REDACTED] to engage with her alone outside, he made a pass at her, and hoped that she would positively respond. Moreover, after the Respondent and Complainant 2 returned inside [REDACTED] the Respondent came up behind Complainant 2 and placing his hand to her head and cupped her ear. This was an intimate physical touch, and there was no [REDACTED] rationale for this physical touch [REDACTED] In conjunction with his prior statement, it was reasonable for Complainant 2 to believe that Respondent's was making an unwelcome, sexual advance.

The Respondent's comment to Complainant 2 meets the first two requirements of the definition of sexual harassment. The Respondent comment is an "...unwelcome, sexual advances...and other verbal *conduct of a sexual nature*." Complainant 2 revealed the incident to [REDACTED] [REDACTED] She did not come forward at that time to report the matter formally because she was too embarrassed and because of the [REDACTED] [REDACTED] The Complainant's reaction reflects that the Respondent's comment was unwelcome to Complainant 2, as she rejected a sexual or romantic relationship with him when they met for coffee.

Complainant 2 described how the Respondent's behavior impacted her. Complaint 2 noted that she was [REDACTED] she tried to avoid [REDACTED] because the Respondent's [REDACTED] she refused to meet with him when he asked her to come into his office; [REDACTED] The impact on Complainant 2 reflects that the Respondent's behavior [REDACTED]

Therefore, the evidence reflects that by a preponderance of the evidence, the Respondent made an unwelcome, sexual advance (or alternatively a verbal comment), sufficiently severe to constitute behavior of a "sexual nature," that affected and interfered with Complainant 2's [REDACTED] and thereby violated the sexual harassment provision of the UC Policy on Sexual Harassment and Sexual Violence.

XI. Conclusion

By a preponderance of the evidence, the Respondent violated the sexual harassment provision of the UC Policy on Sexual Harassment and Sexual Violence.

Therefore, this formal investigation report is being referred to the Vice Provost for the Faculty for review.